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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,708	12/15/2005	George Marmaropoulos	US030208US	9347

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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LUEBKE, RENEE S

ART UNIT	PAPER NUMBER
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2833

MAIL DATE	DELIVERY MODE
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07/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,708	<b>Applicant(s)</b> MARMAROPOULOS & VU & PULFORD	
	<b>Examiner</b> Renee S. Luebke	<b>Art Unit</b> 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/15/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

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1. The specification and drawings are objected to as they do not clearly describe or show the securing mechanism 55. The specification and claim 13 suggest that there is a securing mechanism 55 for holding a cavity closed. However, no detail of this mechanism is shown or discussed. Further, although 55 is found in Fig. 7, it is not located near the cavities, the graphic, or the leads.

2. Claims 1, 3, 6, 7, 12, 14 and 18 are objected to because of the following informalities:

- All reference numerals should be in parentheses or deleted (in particular see claims 1, 6 and 14).
- Claims 3 and 7 appear to be missing text.
- In regard to claim 12, it is unclear how a structure (the lead) can be integral with a void (the cavity).
- Claim 18 lacks antecedent basis for "said one or more raised collapsible cavities" on line 4.

Appropriate corrections are required.

3. Claims 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 appears to be contradictory. It is unclear how the cavity can be formed from a rigid material and still be collapsible. In addition, it is unclear how such a rigid material would still be considered to be a fabric (as required by claim 1).

As noted above, claim 13 is not supported by proper disclosure. It is unclear how the cavity is held closed, or what structure is intended to perform this function.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8-12 and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Post, et al. This pressure activated interface comprises a textile construction (column 6, lines 58-64) with cavities 322 and contact areas 302, 304, 306, 312, 314, 316 in the cavities. These contact areas are elevated above the lead, as they are on top of fabric 310. The contact areas are biased apart by the soft fabric 320, which is overcome by pressing, when operating the switch. In regard to claim 6, it is noted that panel 300 incorporates graphics (characters) associated with the contact areas. In regard to claim 8, layer 320 is seen to be a support element. In regard to claim 9, applicant is reminded that the method of manufacture is not give significant patentable weight in an apparatus claim; the layer 320 is capable of manufacture in the manner claimed. In regard to claims 11 and 12, since the contact areas are attached to the leads, and the leads are secured adjacent the cavities, they are seen to meet the claimed limitations. In regard to claim 14, the surrounding fabric of panels 300 and 310 is seen to be reinforcement.

In regard to claim 18, the device of Post comprises textile construction with cavities 322, a conductive plane 302 and leads 312, 314, 316. The leads have contact areas where they contact the plane. It is noted that any location where the matrix ends is seen to be “an edge or perimeter” whereby the structure inherently meets the claim.

In regard to claim 5, 17 and 19, the device is intended to be sewn into garments (column 2, lines 4-5).

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thomas and Morgenstern, et al. are further examples of textile constructions with switches that are similar to that claimed.

7. Any response to this action may be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to:

(571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8. Any inquiry concerning this communication from the examiner should be directed to Mrs. Renee Luebke whose telephone number is (571) 272-2009.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (571) 272-2800, extension 33.



Renee S. Luebke  
Primary Patent Examiner  
July 9, 2007